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March 1, 2007

VIA ELECTRONIC FILING

The Honorable Sue L. Robinson
J. Caleb Boggs Federal Building
844 King Street
Wilmington, DE 19801

Re: Callaway Golf Company v. Acushnet Company
C.A. No. 06-91-SLR

Dear Chief Judge Robinson:

We write in reference to the letter sent to Your Honor from Callaway on February 20, 2007, regarding Callaway's opinion of counsel relating to the Sullivan '831 patent, which was discussed at the February 8 hearing regarding the motion to disqualify Dr. Felker.

At the February 8 hearing, the inquiry seemed to focus, as it should, on whether the opinion of counsel relied on invalidity arguments similar to those that Acushnet advances in this case. Mr. Rider testified, in response to Callaway's questioning, that the basis for the '831 patent opinion was in part invalidity.

Now that Callaway has found the '831 patent opinion, it has apparently discovered that Mr. Rider's memory was not correct and that the opinion relating to the '831 patent (a patent not in suit in this case) is not based on invalidity, but is instead based on non-infringement alone. For the reasons Acushnet advanced in its briefing on the motion to disqualify Dr. Felker, and those advanced at the February 8 hearing, Acushnet believes that disqualification of Dr. Felker is not appropriate since, among other reasons, the '831 patent opinion does not rely on the invalidity arguments Acushnet advances in this case.

With regard to Dr. Felker's deposition, we have had some difficulty finding a date on which Dr. Felker is available due to his time-intensive work for Acushnet on the *Bridgestone v. Acushnet* case, pending before Judge Farnan. We have now, however, found an available date, and will be offering Friday, March 9, for his deposition. We will send the transcript to the Court upon completion of that deposition.

Finally, as the Court heard during the February 8 hearing, the Patent Office had recently rejected all claims of two of the four patents-in-suit. The Patent Office has since, just this week,

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rejected all claims of the remaining two patents-in-suit, again for virtually the same reasons that Acushnet advances in this case. Thus, all claims of all four patents-in-suit now stand rejected by the Patent Office. The Court received copies of the '130 and '837 Office Actions at the hearing. We enclose copies of the '156 and '293 patent Office Actions to this letter.

Respectfully submitted,

/s/ David E. Moore

David E. Moore

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Enclosures

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)